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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: XIAO, Xiao

Application No.: 09/845,416

Date Filed: April 30, 2001

Title: DNA SEQUENCES
COMPRISING DYSTROPHIN
MINIGENES AND METHODS
OF USE THEREOF

) Docket No.: 4247-101

) Examiner: Whiteman, B.A.

) Art Unit: 1635

) Confirmation No.: 4144

) Customer No.:

23448

FACSIMILE TRANSMISSION CERTIFICATE

Fax No. (571) 273-2885 and Fax No. (571) 273-8300

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop ISSUE FEE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on April 18, 2005, to United States Patent and Trademark Office facsimile transmission numbers (571) 273-2885 and (571) 273-8300.

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Number of Pages

Steven J. Hultquist
January 1, 2006

Date

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REQUEST FOR STATUS OF ISSUE OF PATENT, IN VIEW OF PASSAGE OF EIGHT AND
ONE-HALF MONTHS SINCE SUBMISSION OF ISSUE FEE ON APRIL 18, 2005 FOR
U.S. PATENT APPLICATION NO. 09/845,416

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In view of the passage of eight and one-half months since the payment of the issue fee in this application, on April 18, 2005, request is made for an identification to the undersigned attorney of the date of issue of the patent on this application, there being no reason or infirmity known to such attorney that would explain the delay in the issue of this patent.

In this respect, it is noted that Asklepios Biopharmaceutical, Inc., a North Carolina corporation having offices at 510 Meadowmont Village Circle #112, Chapel Hill, North Carolina 27517 ("Owner") is the owner of the Invention of this U.S. Patent Application by virtue of an assignment executed in favor of such corporation from the inventor, Dr. Xiao Xiao, and recorded in the assignment records of the U.S. Patent and Trademark Office on February 23, 2005 at Reel 015924, Frame 0778 (6 pages).

The Owner is currently engaged in ongoing efforts to develop the technology of this U.S. Patent Application, involving gene therapy treatment for Duchene's Muscular Dystrophy. As detailed at the Owner's web site, www.askbio.com, visited on December 31, 2005, Owner is currently in the process of securing necessary regulatory information required by the Food and Drug Administration (FDA) to begin the clinical trial. Preliminary screening for this clinical trial is currently underway at Children's Research Institute in Columbus, Ohio, in a collaborative effort involving research teams of the Owner, the University of Pittsburgh, the University of North Carolina at Chapel Hill, and Children's Research Institute.

Successful prosecution of the clinical trial and ancillary work will depend in large part on the ability of the Owner to raise funds from investors to underwrite the ongoing efforts toward clinical demonstration of the safety and efficacy of the dystrophin minigene AAV vectors and treatment of Duchenne's Muscular Dystrophy that is disclosed and claimed in this U.S. Patent Application. The prospects for such investment critically depend on patent protection, and further delay in issuing the U.S. patent on this allowed patent application will impair the ability of the owner to raise the necessary funds for the clinical effort.

Accordingly, in view of the passage of eight and one-half months since payment of the issue fee, it is submitted that a compelling basis exists for expediting the patent issuance on the present application, and it therefore is respectfully requested that the U.S. Patent and Trademark Office take due cognizance of the foregoing, and issue such patent forthwith.

Respectfully submitted,



Steven J. Hultquist
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Attorney for Applicant

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